

Appl. No.: 10/817,366

Art Unit: 1712 Docket No.: B03-30

Reply to Office Action of August 3, 2005

REMARKS

Claims 1-29 appear in this application for the Examiner's review and consideration. Applicants note that the 29 claims were filed with incorrect numbering of claims 25-29. These claims were numbered 22-26 despite having 24 claims before them. As such, Applicants have numbered claims 25-29 to properly reflect their claim number. The dependencies of claims 9, 11, 19, 25-27, and 29 were amended as well.

Claims 1, 24, and 28 were amended to recite that the non-ionic hydrophobic stiff fluoropolymer is a copolymer of tetrafluoroethylene and hexafluoropropylene having a melt viscosity of 10 KPoise or less at 230°C (i.e., has a high melt flow index) and that the intermediate layer has a specific gravity of 1.3 to about 1.6 in the absence of a density-adjusting filler. Support for the amended element(s) is found in the Specification, on page 23, lines 14-18 and original claims 14 and 15.

Claims 14 and 15 have been cancelled without prejudice to Applicants' right to file one or more continuing applications directed to any subject matter not presently claimed.

No new matter has been added by these amendments.

Rejections Under 35 U.S.C. § 103(a)

Claims 1-26 were rejected under 35 U.S.C. § 103(a) as being obvious over Rajagopalan '353 in view of Lutz '013; and claims 1-26 were rejected under 35 U.S.C. § 103(a) as being obvious over Hogge '601 in view of Lutz '013.

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation to modify the reference or combine the teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must be found in the prior art, not in Applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 493, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991).

The combination of Rajagopalan and Lutz or Hogge and Lutz fail to disclose, or even suggest, a non-ionic hydrophobic stiff fluoropolymer formed from a copolymer of tetrafluoroethylene and hexafluoropropylene, as now recited in independent claims 1, 24, and 28. Further, the combined references fail to disclose or suggest a high melt flow fluoro-copolymer

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having a melt viscosity of 10 KPoise or less, as also now recited in independent claims 1, 24, and 28 of the present invention. Moreover, the combined references fail to disclose, or even suggest, the fluoro-copolymer specific gravity of 1.3-1.6 *in the absence of a density-adjusting filler*. The specific gravity values disclosed in Rajagopalan are clearly those adjusted by fillers from the higher values of convention Kynar® fluoropolymers. *See* Paragraph [0041] and Table I.

Further, none of the references and certainly not their combination disclose or suggest that the use of the recited aminosilanes in combination with the specific fluoro-copolymer could result in a peel strength between layers of at least 5 lb/in, preferably at least 10 lb/in, as recited in independent claims 24 and 28. Certainly, no reasonable expectation of success could be inferred from the combined references as untreated fluoro-polymer layers exhibited no adhesion. *See* Specification at Table III.

For at least the above reasons, the rejections under 35 U.S.C. § 103(a) are believed to have been overcome. Applicants respectfully request reconsideration and withdrawal thereof.

Obviousness-Type Double Patenting Rejection

Claims 1-26 were rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1-24 of U.S. Patent No. 6,747,110 in view of Lutz '013. Applicants respectfully traverse this rejection as the amendments made herein are believed to make the present claims patentably distinct from the combination of the '110 patent and the '013 Publication.

CONCLUSION

Based on the remarks set forth above, Applicants believe that all of the rejections have been overcome and the claims of the subject application are in condition for allowance. Should the Examiner have any further concerns or believe that a discussion with the Applicants' attorney would further the prosecution of this application, the Examiner is encouraged to call the attorney at the number below.

No fee, other than the \$120.00 fee required to extend the time for response by 1 month from November 3, 2005 to and including December 5, 2005, is believed to be due for this submission because the 4-month date of December 3, 2005 fell on a Saturday. Should any other

Appl. No.: 10/817,366

Art Unit: 1712 Docket No.: B03-30

Reply to Office Action of August 3, 2005

required fees be due, however, please charge them to Acushnet Company Deposit Account No. 502309.

Respectfully submitted,



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William B. Lacy (Reg. No. 48,619)
Patent Counsel
Acushnet Company

Phone: (508) 979-3540
Customer Number: 40990